

Remarks

In response to the Office Action mailed March 29, 2006, the Applicant respectfully requests reconsideration in view of the above amendments and the following remarks. In the present application, claims 6, 17, 28, 36, 42, 46, 47, and 50 have been cancelled and claims 1, 7, 10, 18, 30, 40, and 45 have been amended and to include the features of the aforementioned cancelled claims. No new matter has been added.

In the Office Action, claims 45-50 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-6, 9-17, 30-36, 38-44, 51, and 53-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawlor (US 5,870,724) in view of Zapiec (US 2004/0236650). Claims 7-8, 18-24, 26-29, 37, and 45-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawlor in view of Zapiec and further in view of Strauss (US 6,272,126).

Claim Rejections - 35 U.S.C. §101

In the Office Action, claims 45-50 are rejected because they are allegedly based on an abstract idea that is not a practical application producing a useful and tangible result. Claims 46, 47, and 50 have been cancelled, rendering the rejection of these claims moot. The rejection of the remaining claims is respectfully traversed.

Independent claim 45 has been amended to recite means for calling to users; means for storing call details for calls not successfully completed; and means for comparing the call details to online session data that specifies users who recently ended an online session to identify users targeted for a repeat call, wherein the means for comparing comprises a computer adapted to compare phone numbers in the call details to phone numbers in the online session data and wherein the computer is further adapted to process the online session data to determine a time interval since an online session ended

and wherein the computer is further adapted to compare the time interval to a threshold; and means for repeating calls to users who recently ended an online session and that were previously unsuccessfully called.

It is respectfully submitted that amended independent claim 45 is directed to a practical application producing a useful and tangible result and thus the claim is properly directed to statutory subject matter under 35 U.S.C. §101. In particular, amended independent claim 45 is directed to (in part) towards means which includes a computer for making repeat phone calls to users who recently ended an online session and were previously unsuccessfully called, in a system for contacting users. Thus, the tangible or real-world result includes making phone calls to users who previously were unsuccessfully called, after the user has recently ended an online session. It will be appreciated that such a result would enable the system to save time by reducing call attempts to users who are online (as such calls might result in an unsuccessful call attempt (e.g., a busy signal)). It is also noted that amended independent claim 45 recites similar features as amended independent claim 18 which also is directed to statutory subject matter. Based on the foregoing, amended independent claim 45 fulfills the requirements of 35 U.S.C. §101 and the rejection of this claim should be withdrawn. Claims 48 and 49 depend from claim 45 and thus 35 U.S.C. §101 for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

Claim Rejections - 35 U.S.C. §103

In the Office Action, claims 1-6, 9-17, 30-36, 38-44, 51, and 53-55 are rejected as being unpatentable over Lawlor in view of Zapiec. Claims 6, 17, 36, and 42 have been

cancelled, rendering the rejection of these claims moot. The rejection of the remaining claims is respectfully traversed.

Amended independent claim 1 specifies a method for contacting a user. The method includes electronically receiving online session data that specifies users who have ended recent online sessions, processing on a computer processor the online session data to identify users to call who have recently ended their online sessions, wherein the step of processing comprises a determination of the time interval since an online session was completed, and calling the users who have recently ended their online sessions.

It is respectfully submitted that the combination of Lawlor and Zapiec fails to teach, disclose, or suggest all of the features specified in amended independent claim 1. For example, the combination of references fails to disclose processing on a computer processor the online session data to identify users to call who have recently ended their online sessions, wherein the step of processing comprises a determination of the time interval since an online session was completed. In the Office Action, it is conceded that Lawlor fails to teach a determination of the time interval since an online session was completed and alleged that this feature is taught by Zapiec (paragraph 66). However, paragraph 66 of Zapiec merely discloses the transmission of data containing relevant information regarding different Web sites a professional has accessed and the time spent on each site. The data may be collected and transmitted for each Internet session or for a plurality of Internet sessions, on a daily, weekly, bi-weekly or monthly basis. There is no disclosure or suggestion in Zapiec, however, of a computer processor which determines a time interval since an online session was completed. Zapiec merely discloses transmitting data regarding online activities (i.e., Web sites accessed and the time that

was spent on each Web site) but not offline activities (i.e., determining a time interval since an online session) when a user is no longer online.

Based on the foregoing, amended independent claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 2-5 and 9 depend from claim 1 and are allowable for at least the same reasons. Amended independent claim 30 recites similar features as those found in amended independent claim 1 and is thus allowable for at least the same reasons. Claims 31-35 and 37-39 depend from claim 30 and are thus allowable for at least the same reasons. Therefore, the rejection of claims 1, 2-5, 9, 30, 31-35, and 37-39 should be withdrawn.

Amended independent claim 10 specifies a method of identifying users to a caller. The method includes detecting the end of an online session of a user, storing a record of the online session that indicates that the online session of the user has recently ended, wherein the record includes the time the online session ended, and transmitting the record to a caller to cause the caller to place a call to the user after the online session has ended. Amended independent claims 40 and 51 recite similar features.

It is respectfully submitted that the combination of Lawlor and Zapiec also fails to teach, disclose, or suggest each of the features specified in claims 10, 40, and 51. For example, the cited references fail to disclose storing a record including the time an online session has ended. The Office Action concedes that Lawlor fails to disclose this feature and alleges that Zapiec teaches this feature in paragraph 66. However, as discussed above, Zapiec is merely concerned with the collection and transmission of data relating to online activities (i.e., Web sites accessed and the time that was spent on each Web site), and thus fails to disclose when an online session has ended (i.e., when a user has gone

offline). In other words, while Zapiec discloses recording the time a user spends on Web sites and thus could determine a time when a user has navigated from one Web site to another Web site, Zapiec fails to disclose storing a record of a time when a user actually ends an online session (e.g., is no longer connected to the Internet). Therefore, amended independent claims 10, 40, and 51 are allowable for at least these reasons. Claims 11-16, 41, 43, and 44, and 53-55 depend from claims 10, 40, and 51, respectively, thus are also allowable for at least the same reasons. Therefore, the rejection of claims 10-16, 40, 41, 43, 44, 51, and 53-55 should be withdrawn

In the Office Action, claims 7-8, 18-24, 26-29, 37, and 45-50 are rejected as being unpatentable over Lawlor in view of Zapiec and further in view of Strauss. Claims 28, 46, 47, and 50 have been cancelled, rendering the rejection of these claims moot. The rejection of the remaining claims is respectfully traversed.

Amended independent claim 18 specifies a method for contacting users. The method includes placing calls to users, storing call details for calls not successfully completed, comparing the call details to online session data that specifies users who recently ended an online session, wherein the step of comparing comprises determining the interval since an online session was completed, and repeating phone calls to users who recently ended an online session and that were previously unsuccessfully called based on the step of comparing.

It is respectfully submitted that the combination of Lawlor, Zapiec, and Strauss fails to teach, disclose, or suggest each of the features specified in amended independent claim 10. For example, and as noted above in the discussion of claim 1, the combination of Lawlor and Zapiec fails to disclose determining the interval since an online session

was completed. Strauss, relied upon to cure the deficiencies of Lawlor and Zapiec, is concerned with establishing an original voice over IP call between users. Thus, Strauss also fails to disclose determining an interval since an online session was completed, as specified in claim 18. Therefore, claim 18 is allowable for at least the forgoing reasons and the rejection of this claim should be withdrawn. Claims 19-24, 26, 27, and 29 depend from claim 18 and are allowable for at least the same reasons. Amended independent claim 45 recites similar features as those found in amended independent claim 18 and is thus allowable for at least the same reasons. Claims 48-49 depend from claim 18 and are allowable for at least the same reasons. Therefore claims 19-24, 26, 27, 29, 45, and 48-49 should also be withdrawn.

Claims 7-8 and 37 depend from amended independent claims 1 and 30, respectively, and thus recite at least the same features. As discussed above with respect to claims 18 and 45, the combination of Lawlor, Zapiec, and Strauss fails to disclose determining a time interval since an online session was completed. Therefore, since these features are also specified in claims 7-8 and 37, these claims are allowable for at least the aforementioned reasons. Accordingly, the rejection of these claims should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

The present Amendment is being filed with a fee payment for a one-month extension of time. No additional fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Date: July 26, 2006

Respectfully submitted,

/Alton Hornsby III/
Alton Hornsby III, Reg. #47299

Withers & Keys, LLC
P.O. Box 71355
Marietta, GA 30007-1355
(404) 849-2093